

Message Text

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17

ORIGIN L-02

INFO OCT-01 AF-06 EA-10 IO-10 ISO-00 ARA-10 EUR-12 NEA-09

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL HONG KONG

AMCONSUL JOHANNESBURG

AMCONSUL LOURENCO MARQUES

AMCONSUL LUANDA

AMCONSUL PORT MORESBY

INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: PFOR, PINT, PORG

SUBJECT: HUMAN RIGHTS

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REF: STATE 012320

1. PROVISIONS OF THE FOREIGN ASSISTANCE ACTS RELEVANT TO THE REFERENCED MESSAGE ARE:

FOREIGN ASSISTANCE ACT OF 1973

POLITICAL PRISONERS

SEC. 32. IT IS THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD DENY ANY ECONOMIC OR MILITARY ASSISTANCE TO THE GOVERNMENT OF ANY FOREIGN COUNTRY WHICH PRACTICES THE INTERNMENT OR IMPRISONMENT OF THAT COUNTRY'S CITIZENS FOR POLITICAL PURPOSES.

FOREIGN ASSISTANCE ACT OF 1974

SECURITY ASSISTANCE AND HUMAN RIGHTS

SEC. 46. CHAPTER 1 OF PART II OF THE FOREIGN ASSISTANCE ACT OF 1961 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

"SEC. 502B. HUMAN RIGHTS.-(A) IT IS THE SENSE OF CONGRESS THAT EXCEPT IN EXTRAORDINARY CIRCUMSTANCES, THE PRESIDENT SHALL SUBSTANTIALLY REDUCE OR TERMINATE SECURITY ASSISTANCE TO ANY GOVERNMENT WHICH ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; PROLONGED DETENTION WITHOUT CHARGES; OR OTHER FLAGRANT DENIALS OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF THE PERSON.

"(B) WHENEVER PROPOSING OR FURNISHING SECURITY ASSISTANCE TO ANY GOVERNMENT FALLING WITHIN THE PROVISIONS OF PARAGRAPH (A), THE PRESIDENT SHALL ADVISE THE CONGRESS OF THE EXTRAORDINARY CIRCUMSTANCES NECESSITATING THE ASSISTANCE.

"(C) IN DETERMINING WHETHER OR NOT A GOVERNMENT FALLS WITHIN THE PROVISIONS OF SUBSECTION (A), CONSIDERATION SHALL BE GIVEN TO THE EXTENT OF COOPERATION BY SUCH UNCLASSIFIED

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GOVERNMENT IN PERMITTING AN UNIMPEDED INVESTIGATION OF ALLEGED VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY APPROPRIATE INTERNATIONAL ORGANIZATIONS, INCLUDING THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND ANY BODY ACTING UNDER THE AUTHORITY OF THE UNITED NATIONS OR OF THE ORGANIZATION OF AMERICAN STATES.

"(D) FOR PURPOSES OF THIS SECTION, 'SECURITY ASSISTANCE'

MEANS ASSISTANCE UNDER CHAPTER 2 (MILITARY ASSISTANCE) OR CHAPTER 4 (SECURITY SUPPORTING ASSISTANCE) OF THIS PART, ASSISTANCE UNDER PART V (INDOCHINA POSTWAR RECONSTRUCTION) OR PART VI (MIDDLE EAST PEACE) OF THIS ACT; SALES UNDER THE FOREIGN MILITARY SALES ACT, OR ASSISTANCE FOR PUBLIC SAFETY UNDER THIS OR ANY OTHER ACT."

ASSISTANCE TO THE MIDDLE EAST

SEC. 42. THE FOREIGN ASSISTANCE ACT OF 1961 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW PART:

"PART VI

"SEC. 901. STATEMENT OF POLICY-THE CONGRESS RECOGNIZES THAT A PEACEFUL AND LASTING RESOLUTION OF THE DIVISIVE ISSUES THAT HAVE CONTRIBUTED TO TENSION AND CONFLICT BETWEEN NATIONS IN THE MIDDLE EAST IS ESSENTIAL TO THE SECURITY OF THE UNITED STATES AND THE CAUSE OF WORLD PEACE. THE CONGRESS DECLARES AND FINDS THAT THE UNITED STATES CAN AND SHOULD PLAY A CONSTRUCTIVE ROLE IN SECURING

A JUST AND DURABLE PEACE IN THE MIDDLE EAST BY FACILITATING INCREASED UNDERSTANDING BETWEEN THE ARAB NATIONS AND ISRAEL, AND BY ASSISTING THE NATIONS IN THE AREA IN THEIR EFFORTS TO ACHIEVE ECONOMIC PROGRESS AND POLITICAL STABILITY, WHICH ARE THE ESSENTIAL FOUNDATIONS FOR A JUST AND DURABLE PEACE. IT IS THE SENSE OF CONGRESS THAT UNITED STATES ASSISTANCE PROGRAMS IN THE MIDDLE EAST SHOULD BE DESIGNATED TO PROMOTE MUTUAL RESPECT AND SECURITY AMONG THE NATIONS IN THE AREA AND TO FOSTER A CLIMATE CONDUCTIVE TO INCREASED ECONOMIC DEVELOPMENT, THEREBY CONTRIBUTING TO A COMMUNITY OF FREE, SECURE, AND PROSPERING NATIONS IN UNCLASSIFIED

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THE MIDDLE EAST

"IT IS FURTHER THE SENSE OF CONGRESS THAT NONE OF THE FUNDS AUTHORIZED BY THIS ACT SHOULD BE PROVIDED TO ANY NATION WHICH DENIES ITS CITIZENS THE RIGHT OR OPPORTUNITY TO EMIGRATE." (NOTE WORLD-WIDE APPLICATION OF THIS SENTENCE).

LIMITATION OF MILITARY ASSISTANCE AND EXCESS DEFENSE ARTICLES TO KOREA

SEC. 26. (A) THE AGGREGATE AMOUNT OF --
(1) FUNDS OBLIGATED OR RESERVED FOR MILITARY ASSISTANCE, INCLUDING SUPPLY OPERATIONS, UNDER CHAPTER 2 OF PART II OF THE FOREIGN ASSISTANCE ACT OF 1961;

(2) THE ACQUISITION COST OF EXCESS DEFENSE ARTICLES, IF ANY, ORDERED UNDER PART II OF THE FOREIGN ASSISTANCE ACT OF 1961 AND NOT CHARGED AGAINST APPROPRIATIONS FOR MILITARY ASSISTANCE;

(3) CREDITS, INCLUDING PARTICIPATIONS IN CREDITS, EXTENDED PURSUANT TO SECTION 23 OF THE FOREIGN MILITARY SALES ACT; AND

(4) THE PRINCIPAL AMOUNT OF LOANS GUARANTEED PURSUANT TO SECTION 24(A) OF THE FOREIGN MILITARY SALES ACT; WITH RESPECT TO SOUTH KOREA SHALL NOT EXCEED 145,000,000 DOLS. FOR FISCAL YEAR 1975 UNTIL THE PRESIDENT SUBMITS A REPORT TO THE CONGRESS AFTER THE DATE OF ENACTMENT OF THIS ACT STATING THAT THE GOVERNMENT OF SOUTH KOREA IS MAKING SUBSTANTIAL PROGRESS IN THE OBSERVANCE OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.

(B) AFTER THE SUBMISSION OF THE REPORT UNDER SUBSECTION (A), THE AGGREGATE AMOUNT DESCRIBED IN PARAGRAPHS (1), (2), (3), AND (4) OF SUCH SUBSECTION WITH RESPECT TO SOUTH KOREA SHALL NOT EXCEED 165,000,000 DOLS. FOR FISCAL YEAR 1975.

(C) THE PROVISIONS OF SECTION 506 AND SECTION 614 OF THE FOREIGN ASSISTANCE ACT OF 1961, OR OF ANY OTHER LAW, MAY NOT BE USED TO EXCEED THE LIMITATION UNDER SUBSECTION (A)
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OR (B).

LIMITATION UPON ASSISTANCE TO OR FOR CHILE

SEC. 25. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE TOTAL AMOUNT OF ASSISTANCE THAT MAY BE MADE AVAILABLE FOR CHILE UNDER THE FOREIGN ASSISTANCE ACT OF 1961, AND THE FOREIGN MILITARY SALES ACT DURING FISCAL YEAR 1975, MAY NOT EXCEED 25,000,000, NONE OF WHICH MAY BE MADE AVAILABLE FOR THE PURPOSE OF PROVIDING MILITARY ASSISTANCE (INCLUDING SECURITY SUPPORTING ASSISTANCE, SALES, CREDIT SALES, OR GUARANTIES OR THE FURNISHING BY ANY MEANS OF EXCESS DEFENSE ARTICLES OR ITEMS FROM STOCKPILES OF THE DEPARTMENT OF DEFENSE).

2. WHILE OF MAJOR IMPORTANCE TO ASSISTED COUNTRIES, THE PROVISIONS SET OUT IN PARA 1 ALSO HIGHLIGHT IMPORTANT AREAS OF MORE GENERAL PUBLIC AND CONGRESSIONAL CONCERN RELATING TO HUMAN RIGHTS REPORTING.

3. FOLLOWING POSTS URGED TO ADVANCE THEIR RESPONSES, IF POSSIBLE, AND SEND COPIES OF THEIR AIRGRAM REPLY DIRECTLY

TO USMISSION GENEVA, ATTENTION USDEL TO HUMAN RIGHTS
COMMISSION. (COMMISSION WILL BE IN SESSION IN GENEVA,
FEBRUARY 3 - MARCH 7): BRASILIA, BUJUMBURA, TEHRAN,
JAKARTA, LONDON (RE NORTHERN IRELAND). DETAILED INFORMA-
TION AND APPRAISALS INCLUDED MAY PROVIDE USEFUL BACK-
GROUND FOR US DELEGATION. WHEN AIRGRAMS SENT FROM THESE
POSTS, SUMMARY CONCLUSIONS SECTION SHOULD BE TELEGRAPHED
TO DEPARTMENT, IN

Message Attributes

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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, FOREIGN ASSISTANCE LAW
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Draft Date: 22 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
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Disposition Date: 01 JAN 1960
Disposition Event:
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Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: CRUNYON:RTG
Enclosure: n/a
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Film Number: D750025-0090
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Handling Restrictions: n/a
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To: ALL POSTS MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006